

New Hampshire Rail Transit Authority

Chair: Peter Burling
Vice Chair: Katherine Hersh

Meeting
July 24, 2009
NH LOB, Room 201

Attendance: Peter Burling, Kathy Hersh, Kerrie Diers, David Preece, Mike Izbicki, Mark Brewer, Tim Moore, Ron O'Blenis, Christine Walker, Representative Williams, Tom Mahon, Representative Allen, Malcolm Taylor, Ted Starkweather, Nancy Larson, Mike Tardiff, Representative Bouchard, Jay Minkarah, Kit Morgan, Representative Keans

I. Call to Order

Chair Burling called the meeting to order at 10:05 am

II. Public Input

James Vayo, Nashua, provided comments to the NHRTA regarding conflict of interest, the need for the State to obtain ownership of the rail right of way in order to level the playing field and have more control over the rail. He advocates that the State purchase the right of way.

Barbara Pressley, Nashua, observed that the non-public session item on the agenda appears to be a routine agenda item and that it should not be listed on the agenda unless the Authority planned to have the session.

Chair Burling agreed and stated that it was on the last agenda and today's as an item so the Authority could be updated about the status of the negotiations. However the Authority feels comfortable having public discussion about this and the occurrence of a non-public session should be rare.

III. Approval of Minutes

Tim Moore moved to approve the minutes as presented, seconded by Representative Allen. The motion was unanimously approved with one abstention.

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IV. Update on the Grant Process

Mike Izbicki has been working with TranSystems to deal with the environmental aspects of the application. David Preece's offer of assistance is greatly appreciated. The technical parts of the application including infrastructure, environmental and station location are all being worked on.

There is a 50/50 match for the planning application that is a commitment that the State will need to look at to determine what New Hampshire's share of that is. The Construction grant is a 100% grant, however we need to reflect some cost contribution in order to be competitive. The application currently reflects a 15% contribution for construction. This may be met by the use of NHDOT land for stations.

Efforts to engage Amtrak in discussions continue. Discussion ensued regarding the obstacles that we are encountering in this application. Chair Burling agreed that there are hurdles we have to overcome, but this is our charge from the Legislature and we need to continue to pursue all options.

Kathy offered to post the preliminary applications that we submitted on the website so that everyone would have access to them.

Kit Morgan provided an overview of the FRA requirements to submit applications. They are looking to fund winning projects that are ready to do. It seems that they are willing to work with applicants to further develop such projects.

Peter Burling stated that a great accomplishment in recent weeks is our collaboration with other states and the issuance of the letter from the 5 New England Governors of the "New England Vision".

Additional comments from the Authority members indicated support for continuing with the application as prepared. We need to go forward with this application process and continue working on all fronts to be prepared for all possibilities.

Chair Burling asked for public comment on this issue. Barbara Pressley, Nashua, stated that 5 of the 6 New England States deal with Pan Am and there is an opportunity to

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resolve this problem. She supports the pursuit of public ownership of the track and to stress that in the application

Dan Kelly: The concept of the Capital Corridor could be phased into two parts: from Lowell to Nashua and from Nashua to Concord. He also supports the purchase of the right of way for the Capital Corridor.

Chair Burling asked David Hiltz of the Attorney General's Office, to provide an overview of the eminent domain process. Attorney Hiltz described the process and timeframes that is authorized under RSA 498-A.

Christine Walker asked how an appraisal is done for the right of way. It must be conducted by an expert and is different than an assessment.

Ron O'Brien asked how the Federal Laws with respect to this issue come into play. Attorney Hiltz stated that he is in the process of conducting that research.

Chair Burling asked how the Authority members felt about going forward. By a show of hands, the consensus of the members of the Authority affirmed the need to move forward with both of the applications for the Capital Corridor with the understanding that flexibility will be key in advancing the effort with the FRA.

V. Committee Updates

None

VI. Other Discussion

The Bylaw amendment will be on the next agenda for the Authority

VII. Adjourn

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Mike Izbicki made a motion to adjourn the meeting at 11:35 am, seconded by Representative Williams. Motion carried unanimously.

Next Meetings:

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| July 24, 2009 | August 14, 2009 | September 11, 2009 |
| | August 28, 2009 | September 25, 2009 |